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EXAMINER

PAN, YUWEN

ART UNIT PAPER NUMBER

2682

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,941

Applicant(s)

MIGLIACCIO, RICCARDO

Examiner

Yuwen Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Arguments

1. Applicant's arguments with respect to claims 2-7 and 9-15 have been considered but are moot in view of the new ground(s) of rejection.
2. The examiner acknowledged that claims 1 and 8 have been canceled without prejudices.

DETAILED ACTION

Claim Objections

3. Claim 12 is objected to because of the following informalities: claim 12 encloses "a first decoding unit" and "a second coding unit" *only*, there is no mention of a first coding unit with respect the second coding unit in the entire context of claim 12, with the examiner's best understanding of the applicant's specification and drawing, there should be only one decoding unit and one coding unit. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berwanger et al (US006611749B1).

With respect to claim 5 and 12, Berwanger discloses a system for receiving radio-transmitted data comprising:

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A receiving unit adapted to receive a signal coming from at least one transmitter-receiver apparatus (see figure 1);

A signal decoding unit, connected to said receiving unit receiving as input a first input signal comprising indicative information about a transmitter-receiver apparatus from which said input signal is transmitted, said signal decoding unit separating said indicative information about said transmitter-receiver apparatus from said first input signal (see figure 1 and item 6, column 3 and lines 56-column 4 and lines 20);

Berwanger doesn't expressly depict a control unit and a processing unit. However, it is inherent and necessary for a terminal device to comprises the element of controlling and processing in order to store and process any received signal;

A storing unit to store data (see figure 1 and item 18);

Wherein said at least one transmitter-receiver apparatus (see figure 1 and item 1) comprises:

A signal coding unit, receiving as input a second input signal, the second input signal being a signal according to the RDS standard and comprising not-indicative information about said radio receiver, said signal-coding unit emitting as output an output signal, said signal-coding unit combining at least one portion of said second input signal with a signal component comprising indicative information about said radio receiver, the combination between at least one portion of said second input signal and said signal component being said output signal (see column 2 and line 54-column 3 and line 36);

A transmission unit connected to said signal coding unit, to transmit said output signal (see figure 1 and item 10);

Bewanger doesn't explicitly teach that said transmitter-receiver apparatus comprises a radio receiver compatible with the RDS standard and receiving a signal according to the RDS standard. It is well known in the art to have both transmitter and receiver to be compatible with the same communication system and since Bewanger does teach that the transmitter of the control center is compatible with RDS system, thus it would have been obvious to one ordinary skill in the art to have the receiving part of control center to be compatible with the RDS standard such that the signal processing is simplified with the same communication standard.

Per claim 13, Bewanger doesn't expressly teach that said receiving unit adopts a data-receiving GSM-type standard. It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the GSM standard because Bewanger teaches that the reception via radio channel either RDS or a mobile radio channel or both.

Per claim 14 and 15, Bewanger further teach that said statistical-type calculation on data provided by said control unit are performed in real time by said processing unit and in historical mode by said processing unit (see figure 2 and 3, column 3 and lines 20-43).

6. Claims 2-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berwanger et al (US006611749B1) in view of Engelmayer (US006018313A).

Per claims 2 and 9, Berwanger doesn't teach the detail definition of each output signal component of the output signal. Engelmayer teaches a signal component comprising indicative information about transmission date and time of said input signal (see column 4 and lines 45);

A signal component comprising said indicative information about said radio transceiver therefrom said input signal is transmitted (see column 4 and lines 10-14)

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A signal component comprising indicative information about a source transmission station of said input signal (see column 4 and line 44)

A signal component, comprising indicative information about an excerpt transmitted by said source transmission station (see column 4 and lines 37-38).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Engelmayer with Berwanger such that the receiving unit would be able to clearly extract information from the received signal and obtain more accurate data information regarding to traffic information.

Per claim 3 and 10, Engelmayer further discloses that one of the signal component comprises one or more data blocks, each of said block being constituted by a bit sequence apt to represent a portion of said indicative information about said radio transceiver therefrom said input signal is transmitted (see figure 4).

Per claim 4 and 11, Engelmayer further discloses a signal component comprising indicative information about a list of preferred pieces (see column 4 and line 42).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
May 17, 2004


VIVIAN CHIN
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